

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BRYAN MERCER, CANDACE McKINLEY,
SHANEE GARNER-NELSON, ADAM
BUTLER,

Plaintiffs,

v.

KEVIN JACKSON, THE BLACK SPHERE,
LLC, and MABIE MARKETING, INC.,
d/b/a The Campaign Solutions Group,

Defendants.

Civil Action

No. 2:20-cv-00098-JMG

PLAINTIFFS' MOTION TO STAY PROCEEDINGS

Plaintiffs, through counsel, hereby move the Court to exercise its inherent power to manage its docket to stay this action in anticipation of the U.S. Supreme Court's pending decision in *Facebook Inc. v. Duguid*, 926 F.3d 1146 (9th Cir. 2019), *cert. granted in part*, No. 19-511, -- S.Ct. ----, 2020 WL 3865252 (Mem) (July 9, 2020), which will provide precedential authority on the statutory definition of an *automated telephone dialing system* under 47 U.S.C. § 227(a)(1). In support of this Motion, Plaintiffs rely on the accompanying Memorandum of Law and proposed Order.

Respectfully submitted,

Dated: September 3, 2020

/s/ Irv Ackelsberg
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CERTIFICATE OF SERVICE

I, Irv Ackelsberg, certify that I served a true and correct copy of the foregoing Motion for a Stay on all parties whose appearances have been entered via the Court's ECF system and on Defendant Mabie Marketing, Inc. d/b/a The Campaign Solutions Group ("TCSG") by email to their attorney Eric Allen of Allen, Mitchell & Allen PLLC, 2091 E. Murray Holladay Road, Suite 21, Salt Lake City, Utah 84117, at eric@allenlawyer.com.

Dated: September XX, 2020

/s/ Irv Ackelsberg

Irv Ackelsberg